

Instructions for Confidential Settlement Statements

All counsel must complete a Confidential Settlement Statement and submit to the Court at least 5 business days prior to their scheduled settlement conference. Statements should be typed or printed legibly. This is a confidential statement and should not be exchanged with opposing counsel. It will only be seen by the Neutral Case Evaluator or Judge assigned to hear the settlement conference and will be destroyed by the Court immediately following the conference. In addition to providing the Court with the Confidential Settlement Statements, Counsel is required to provide a copy of this statement and any additional materials, if requested by the Neutral Case Evaluator, directly to the evaluator. All statements should be addressed to NCE Coordinator and submitted in one of the following ways:

Mail: **Judicial Support - 5th Floor
Fairfax County Circuit Court
NCE Office
4110 Chain Bridge Rd.
Fairfax, VA 22030**

Fax: **(703) 359-9093**

Hand Delivered: **NCE Office
5th Floor Judicial Center
-Or-
Judicial Chambers on the 5th Floor - ATTN: NCE Coordinator**

Do not submit statements to the Clerk's office! Statements delivered to the Clerk's office and not received by the NCE Coordinator 5 days prior to the conference will be considered late and will be noted as such. If you submit the statement to the clerk's office, its confidentiality cannot be guaranteed.

LEAD counsel for each of the parties and the parties (or if applicable, the insurance adjuster with authority to settle) MUST attend the settlement conference, unless excused in advance by the Judge or Evaluator conducting the conference. Parties (or adjusters) who reside over 50 miles from the Fairfax Courthouse may be available by phone, although attendance is preferred, if possible.

All settlement conferences are scheduled to begin at 8:30 am. The settlement docket with courtroom and hearing room assignments will be posted on the 5th floor of the Judicial Center the morning of the settlement conference.

Questions on any of these procedures should be directed to the NCE Coordinator at (703) 246-3301.

Please refer to 2.14 - 2.17 of the Circuit Court Manual for further information.

DO NOT INCLUDE THIS PAGE WITH YOUR STATEMENT!

CCR-D-40 Revised 3/2004

***Fairfax County Circuit Court
Confidential Settlement Statement
(Factual Statement)***

Submitted By (please print)

For Plaintiff

For Defendant

Case Number

Settlement Conference Date

Plaintiff

vs.

Defendant

1. State the facts of the case.

2. With respect to the issue of liability, please complete the following:

A. The minimum and maximum potential judgment according to your evaluation:

Minimum \$ _____ Maximum \$ _____

B. Does the case involve an affirmative defense? If yes, state the affirmative defense, and what facts will support the same?

C. State any facts that may bar or diminish any recovery by the plaintiff.

3. **Provide a concise statement of any other claims (cross-claims, counter-claims or third party claims) and respective defense thereto:**

4. **If this is a personal injury or wrongful death action, each plaintiff shall complete the following:**

A. Describe nature and extent of injuries, whether said injuries are permanent, and history of care of said injuries including dates of treatment.

B. Nature of any surgical procedures recommended, scheduled, or performed.

C. Total Medical expenses to date:_____

D. Future medical expenses:_____

E. Loss of earnings to date - Amount \$_____

For what period:_____

F. Future loss of earnings - Est. Amount: \$_____

G. Other special damages (give nature and amount):_____

H. Are foregoing damages supported by documentary evidence?: _____

I. Identify nature and amount of any other damages sought:_____

- 5. Identify each item of damage and state whether it is supported by documentary evidence (type and amount):**

- 6. If you are a plaintiff in this action, state the terms of your demands in order to settle this matter:**

- 7. If you are a defendant in this action, state the terms of your offer in order to settle this matter:**

- 8. Describe the status of any previous settlement negotiations;**

9. Identify expert witnesses, you would call to establish your claims/defenses, their area(s) of specialization, and a summary of their opinion(s):

10. Identify all parties or entities (insurers, lien holder, co-signer, etc.), other than the named party, who must approve any settlement, and indicate their availability during the session.

	<u>In Person</u>	<u>By Phone</u>
_____ Name and Title	_____	_____
_____ Name and Title	_____	_____
_____ Name and Title	_____	_____

11. Are the claims at issue covered by insurance? If so, please identify the insurance company, the agent's name and phone number.

What are the policy limits? _____

Signature

Date

Note:

Counsel may attach additional materials to confidential settlement statement (e.g. discovery responses, expert witness reports, a detailed listing of damages). Please no more than 5 pages.

Revised 3/2004